

MAY 20, 2004 MINUTES
NEVADA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS
BOARD MEETING

- Item 1- Call to order / roll call to determine the presence of a quorum. After determining the presence of a quorum the meeting is called to order at 9:06am. Board members in attendance: Laura LaPorta Krum, PT, PhD, Chairman; Chad Bible, MSPT, GCS; Jack D. Close, MA, PT, FAPTA; Pamela Hogan, PT, OCS, FSOM. Non-members in attendance: Jennifer Crandell, Deputy Attorney General; Dena James, Deputy Attorney General; Lawrence P. Mooney, PT, Chief Inspector; Allison Tresca, Executive Secretary.

- Item 2- Review and approval of minutes for Board meeting of March 11, 2004. On motion by Board member Hogan, seconded by Board member Bible and approved with a unanimous vote, the minutes are approved.

- Item 3- Review and approval of executive session minutes for Board meeting of March 11, 2004. On motion by Board member Hogan, seconded by Board member Bible and approved with a unanimous vote, the executive session minutes are approved.

- Item 4- Review and approval of Treasurer's Report for period ending March 2004. On motion by Board member Hogan, seconded by Board member Bible and approved with a unanimous vote, the Treasurer's Report is approved.

- Item 5- Review and approval of Profit and Loss Report for period ending March 2004. On motion by Board member Close, seconded by Board member Hogan and approved with a unanimous vote, the Profit and Loss Report is approved.

- Item 6- Review and approval of Treasurer's Report for period ending April 2004. On motion by Board member Hogan, seconded by Board member LaPorta Krum and approved with a unanimous vote, the Treasurer's Report is approved.

- Item 7- Review and approval of Profit and Loss Report of period ending April 2004. On motion by Board member Close, seconded by Board member Bible and approved with a unanimous vote, the Profit and Loss Report is approved.

- Item 8- Review and approval of Secretary's Report. On motion by Board member LaPorta Krum, seconded by Board member Hogan and approved with a unanimous vote, the Secretary's Report is approved.

- Item 9- Applicant Jamie L. Brophy requests to take the National Examination a third time in accordance with NRS 640.100(4). On motion by Board member Hogan, seconded by Board member Close and approved with unanimous vote, the Board goes into closed session. On motion by Board member Close,

seconded by Board member Hogan and approved with a unanimous vote, the applicant is ordered to attend the examination preparation course at UNLV and provide the Board with a detailed study plan. Two Board members will review the request to sit for the examination. Once the applicant passes the examination, she is to appear before the Board to discuss the need for current references and the possibility of issuing the license with supervision requirements.

- Item 10- Applicant Jill Downam requests to take the National Examination a fourth time in accordance with NRS 640.100(4). On motion by Board member Hogan, seconded by Board member Bible and approved with a unanimous vote, the Board goes into closed session. On motion by Board member LaPorta Krum, seconded by Board member Hogan and approved with a unanimous vote, the applicant is authorized to sit for the examination at her discretion after attending the review course at Loma Linda University and is directed to operate under the existing study plan. Applicant is granted additional time to take the examination at time and one-half. The Executive Secretary is directed to arrange for this special accommodation.
- Item 11- Applicant Maria Lacson-Johnson requests to take the National Examination a third time in accordance with NRS 640.100(4). On motion by Board member Bible, seconded by Board member Hogan and approved with a unanimous vote, the Board goes into closed session. On motion by Board member Hogan, seconded by Board member Close and approved with a unanimous vote, the applicant is authorized to sit for the examination once she attends the examination review course. The applicant is directed to provide proof of completion to the Executive Secretary. The Executive Secretary is directed to authorize the registration once proof of course attendance is received.
- Item 12- Applicant Maria Frederick requests to take the National Examination a third time in accordance with NRS 640.100(4). As the applicant did not attend, the Board could not address her request. Table until July 22, 2004.
- Item 13- Applicant Michael Pofahl requests to be licensed. On motion by Board member Hogan, seconded by Board member Close and approved with a unanimous vote, the Board goes into closed session. On motion by Board member LaPorta Krum, seconded by Board member Close and approved with a unanimous vote, licensure is granted.
- Item 14- Applicant Randolph Voyard requests to be licensed. Board member Close comments that the applicant was a student in his clinic. He notes that he can be impartial and does not feel the need to recuse himself. On motion by Board member Bible, seconded by Board member Hogan and approved with a unanimous vote, the Board goes into closed session. On motion by Board member Bible, seconded by Board member Close and approved with a unanimous vote, the applicant is to be licensed upon passing the examination.
- Item 15- Applicant Amber Wiser requests to sit for the National Examination without having met the requirements of NAC 640.040(3). On motion by Board member Bible, seconded by Board member Hogan and approved with a unanimous

vote, the Board goes into closed session. On motion by Board member Close, seconded by Board member Hogan and approved with a unanimous vote, the applicant is directed to sit for the examination and return to the Board upon passing for the Board to discuss supervision requirements.

Item 16- Licensee Michel Rantissi appears before the Board in accordance with the terms of his probation. On motion by Board member Bible, seconded by Board member Hogan and approved with a unanimous vote, the Board goes into closed session. Upon returning to open session, Chairman LaPorta Krum comments that the licensee is in compliance with the terms of his probation.

Item 17- Complaint Hearings or Review and Approval of Consent Decrees.

Case #2003-65 / Douglas Lancaster

Case #2003-66 / Don Howard

Case #2003-71 / Stephen Isom

Case #2003-72 / James P. Schiemer

Case #2004-04 / Nancy Greiger

Case #2004-05 / Juliana Fisher

Case #2004-06 / Teofilo Sison

On motion by Board member Hogan, seconded by Board member Bible and approved with a unanimous vote, the Consent Decrees are accepted as written.

Case #2004-03 / Alison Milne. This case was dismissed administratively prior to Board meeting.

Item 18- Report from the Investigative Board Members.

(A) Jurisdictional determination of the following cases. (Action).

- Case #2004-08
- Case #2004-10
- Case #2004-11
- Case #2004-20
- Case #2004-21
- Case #2004-24

Board member Hogan asks the Executive Secretary to describe the specifics regarding the address change violation cases being dismissed for "personal extenuating circumstances". The Executive Secretary advises the Board that dismissals can be recommended for cases in which the licensee was unable to work due to personal or family illness and in cases where the licensee has had to change residences due to proven cases of harassment/threats/violence. On motion by Board member La Porta Krum, seconded by Board member Hogan and approved with a unanimous vote, the cases are dismissed.

(B) Report from the Deputy Attorney General. Dena James gave a presentation on hearing procedures. She advises that when the Board finds a violation we have to substantiate what occurred. She states that

when the Board hears a case, the Board members should take notes and reiterate from those so transcripts are detailed and accurate. She further comments that if a licensee files a petition for judicial review, the Board's counsel needs to defend the decision. She states that it is easier to defend when there are details in the transcripts.

Item 19- Update from the Board office.

- (a) Discussion of activities of the Board office. The Executive Secretary advises the Board of the current and upcoming activities of the Board.
- (b) Review and approval of budget for fiscal year 2004-05. On motion by Board member Close, seconded by Board member Hogan and approved with a unanimous vote, the budget is approved with changes.

Item 20- Presentation by Chairman Laura LaPorta Krum regarding the hearing process.

Item 21- Report from Chief Inspector Lawrence P. Mooney regarding the function and duties of the Board Inspectors. The Board discussed what the Inspectors should be looking for during inspections. It was discussed that they are looking for a variety of things: licenses posted, care by unlicensed persons, physical therapist's assistants being properly supervised, physical therapists performing visits as required and anything out of the ordinary. Board member Hogan asked what happens if there is a complaint regarding an unlicensed person doing physical therapy. Chief Inspector Mooney stated that they go to the clinic, investigate the complaint by conducting interviews, reviewing records, etc. It was also noted that records can be subpoenaed if necessary. Dena James noted that the Board or staff cannot go into physician's office unless there is a belief that physical therapy records are in their office.

Item 22- Request from Inspectors regarding parameters for upcoming annual inspections. It was discussed that in that in the past the inspectors were looking for display of licenses, checking for address matching board office record, PT to PTA/technician/student ratios, unlicensed persons performing physical therapy, PT assessment after every 6th visit. On motion by Board member LaPorta Krum, seconded by Board member Close and approved with a unanimous vote, the inspectors are directed to visit 100% off all facilities including rural Nevada, excluding home health agencies. They are to look for quality of care by appropriate staff, supervision of physical therapist's assistants including the requirement of a physical therapist to accompany the PTA on the first visit, review of business arrangements where applicable, billing matters in addition to what has been done in the past. The Board asks the Deputy Attorney General for an opinion on NAC 640.592; what does the term "accompany" mean.

Item 23- Appoint Board member to serve as liaison to the Nevada Chapter of the American Physical Therapy Association regarding physician owned physical therapy practices. This item will be placed on the next agenda to appoint a Board member to serve as liaison on all matters. Deputy Attorney General Dena James notes that any position of the Board must be stated only in front of the Board; the liaison cannot make decisions in lieu of the Board.

- Item 24- Review of course for possible continuing education credits.
- Cross Country University - Developing and Implementing Restorative Programs. This course was previously denied by the Continuing Education Advisory Committee. On motion by Board member Bible, seconded by Board member Close and approved with a unanimous vote the course is denied as it deals primarily with reimbursement issues.
- Item 25- Petition from Nevada Physical Therapy Association regarding NAC 640.680. Deputy Attorney General Dena James notes that these are petitions to request an advisory opinion. Jeff Hill of the NPTA comments that their main point is that this regulation is vague. He said it is their proposal to make the language specific to prohibit physician owned practices. He said the APTA's vision is autonomy. He spoke of NRS 640.160(i) and asks what kind of influence does the Board have on the language and can we make this language specific to prohibit physician owned practices? Dena James advised Mr. Hill that this is not the way to change language. She advised of the process to change language. Mr. Hill noted that he wants definition of group practice as it pertains to our Board. He cited NRS 439B.425 where the term "group" is defined. On motion by Board member Close, seconded by Board member Hogan and approved with a unanimous vote, the Board asks Dena James to draft an advisory opinion to define the term group practice and its relationship to 640.080.
- Item 26- Petition for advisory opinion from Nevada Physical Therapy Association regarding whistleblower provisions in the Practice Act. Jeff Hill asks if there are provisions in place which protect physical therapists and provide for the filing of anonymous complaints. He advises that some licensees are being threatened and no one wants to complain due to possible repercussions. The Deputy Attorney General comments that the police deal with threats and if one of our licensees is found to have done something illegal, it would be considered unprofessional conduct. She also comments that any alleged illegal activity by a physician would be handled by the medical examiners board. Jeff Hill comments that the system does not allow for those who have the information to be anonymous. Board member Close states that if someone has been threatened with their job or otherwise and the licensee has enough to come forward, it must be a verified complaint. The Deputy Attorney General comments that this is really a common-sense issue; if a person is threatened, he goes to the police. She notes that a complaint must be verified to ensure for witness testimony at hearings. The Executive Secretary advises that there are currently no physical therapy licensing Boards in the United States which allow for anonymous complaints. She also notes that the APTA website covers this topic and they encourage licensees to come forward and file complaints. Jeff Hill comments that in the future they want to have anonymous complaints available. On motion by Board member Close, seconded by Board member Hogan and approved with a unanimous vote, the Board denies the request for an opinion. The Executive Secretary is directed to place in the next newsletter an item regarding the complaint process and the duty of the licensees to report illegal activity.

Item 27- Public Comment Period. The Board is asked what is appropriate way for the NPTA to communicate with the Board. The Board advises to appear at public comment and/or submit items to be placed on the agenda. It was discussed that items for the Board to review or consider must come before the entire Board, not sent to the Board members individually.

Chief Inspector Mooney advises the Board that while he was visiting facilities, he came privy to information on new computerized system wherein all medical records are kept on-line. Only licensed staff members will have access; the students at the facility will not have access to system. The Executive Secretary will place this topic on the next agenda.

Item 28- Items for future agendas. The Executive Secretary is directed to add the following topics to July agenda: discussion of policy regarding alleged residential address change violation; discussion on facilities utilizing computers to chart treatments; review and approval of salary, merit increase, bonus program and cost of living package for Executive Secretary; appoint liaison to the Nevada Physical Therapy Association.

Item 29- Confirm schedule of future Board meetings and their locations. The next meeting is confirmed for July 22, 2004 in Las Vegas. Following this meeting, the Board will meet in Reno in September. The Executive Secretary will email all of the Board members to determine availability.

Item 30- Review of files/ratification for licensure.

FILES FOR REVIEW/RATIFICATION:

Physical Therapists

1804	Angela McCumsey	1809	Pierre Letourneau
1805	David Tatlock	1810	Dawn Aikels
1806	Renee Gillum	1811	Yin May Tuen
1807	Michelle Tieri	1812	Jeanette Pranger
1808	Wendy Greene		

Physical Therapist's Assistants

A-0358	Rebecca Zepeda	A-0361	Gina Koperdak
A-0359	Mary Lambert	A-0362	Christian Scranton
A-0360	Walter Sherwood		

Item 31- Adjournment of the Board meeting. On motion by Board member Close, seconded by Board member Bible and approved with a unanimous vote, the meeting is adjourned at 2:30pm.